

# Student Complaints, Appeals and Resolution Policy and Procedure (QMS:625)



## Purpose

Complaints provide organisations with information about service delivery faults and organisational weaknesses. Complaint handling can be effective in resolving a problem before it gets worse, providing a remedy to the affected individual(s) who has suffered disadvantage and nurturing good relationships between the IMVC and its people.

The purpose of this policy is to ensure that the IMVC has a fair and transparent means to respond to allegations and concerns. It ensures that the IMVC deals with complaints and appeals in a fair, timely and sensitive manner. The IMVC wants to make sure that students using this policy are satisfied with the outcome of a complaint or appeal.

Students may lodge informal and formal complaints. Students may also access the IMVC internal and the external appeals process.

## Scope

This policy applies to all VET students of the IMVC and is made available on the IMVC website and in the student, trainer and parent handbooks. VCAL students are to refer to **QMS:701 VCAL**

### **Complaints and Appeals Policy and Procedure**

The Board, together with the Executive Officer recognise that the students of the IMVC supported by their parents/carers, have the right to raise and have resolved any complaints or concerns including any decision of an educational matter they may have including without fear of recrimination or victimisation. Complaints, which arise from physical, verbal, sexual and/or emotional harassment, abuse or discrimination, are covered by the procedures outlined in this policy. Sexual harassment or abuse is defined as; any coercion, humiliation, or offensive behaviour of a sexual nature.

Complaints made under this policy may be regarding the following issues:

- The provision and resources of a course/program or related student service by the IMVC
- The conduct of another student or students of the IMVC
- The conduct of a parent/carer or parents/carers of the IMVC
- The conduct of a member of staff or volunteer of the IMVC
- People and organisations external to the IMVC with whom students interact in relation to their involvement with the IMVC, or as part of an approved work placement
- The interpretation and application of any policy, procedure or administrative process
- A health and safety issue
- An unresolved appeal against assessment
- An allegation of discrimination, harassment, or bullying

Complaints of an educational manner may include:

- Recognition of interstate qualifications
- Refunds and /or exchange of monies
- Student selection, enrolment and orientation
- Issues relating to training and assessment
- Compliance with Commonwealth, State/Territory legislation and regulatory requirements
- Recognition of qualifications by IMVC
- Recognition of prior learning

## Definition of a complaint

A complaint is a clear communication of a concern, dispute or grievance, including an expression of frustration or dissatisfaction. The communication may be oral or written, formal or informal.

## Responsibilities

**The Executive Officer** is responsible for providing leadership in demonstrating commitment to the resolution of complaints made to the IMVC. The Executive Officer will refer complaints to the IMVC staff member most appropriate for handling specific complaints and may be involved in making final decisions regarding complaints.

The Executive Officer is responsible for administering the **QMS:630 Complaints and Appeals Register**.

**Managers** and coordinators are responsible for exercising primary responsibility for receiving and resolving formal complaints. They are also responsible for receiving and resolving informal complaints and any conflicts in a timely and fair way. This includes advising students of their right to make a complaint where appropriate and providing advice and assistance to students who have a complaint.

**Trainers** are responsible for exercising primary responsibility for receiving and resolving informal complaints and conflicts in a timely and fair way. This includes advising students of their right to make a complaint where appropriate and providing advice and assistance to students who have a complaint.

**Students** are responsible for providing clear and honest accounts of their concerns and their expectations for the outcome of their complaint. This includes providing all relevant information and documents to assist in the investigation and/or resolution of the matter.

Students are also responsible for engaging openly during the complaint handling process and participating in discussions with other parties to resolve concerns where appropriate. Students must show respect for all people involved in the process and provide further information in a timely manner.

**Respondents** are the people who a complaint is made about. Respondents are responsible for providing clear and honest accounts of their concerns and their expectations for the outcome of their complaint. This includes providing all relevant information and documents to assist in the investigation and/or resolution of the matter.

Respondents are also responsible for engaging openly during the complaint handling process and participating in discussions with other parties to resolve concerns where appropriate. Respondents must show respect for all people involved in the process and provide further information in a timely manner.

## **Policy**

### **Student rights**

Students have the right to have a support person involved with any processes regarding a complaint. The following people may be considered as support persons:

- An IMVC program manager or other staff member
- A trainer who is not directly involved in the matter
- A fellow student not directly involved in the matter
- A friend, family member or carer of the student's choice

A support person may not be a paid barrister, solicitor or other legally trained person.

### **Rights of staff involved in a complaint**

IMVC staff are entitled at all times to be treated with respect and courtesy when handling complaints. Where a person involved in a complaint behaves in a threatening, rude or harassing manner toward staff, the Executive Officer may decline or direct the staff member to decline to further consider the complaint. The Executive Officer may institute proceedings for misconduct against the person under applicable policies of the IMVC or refer the matter to an external agency.

### **The IMVC may decline complaints**

The IMVC may decline to deal with a complaint at any time where the Executive Officer forms the view that the complaint is:

- Frivolous
- Vexatious
- Malicious
- Not made in good faith
- Misconceived
- Lacking in substance
- Lacking in currency

A complaint may also be declined where:

- A claim has been commenced (either by the student or the IMVC) in a court or before another judicial authority

- The subject matter of the complaint has been lodged with an external agency and it is more appropriate for the matter to be dealt with by that agency
- The subject matter of the complaint may be more appropriately dealt with by an external agency
- The IMVC has already dealt with the substance of the complaint in the past

### **Complaint handling principles**

The following principles underpin the IMVC's complaint handling process:

This policy and its associated procedures should be easily accessible, simple to understand and well-publicised to ensure ease of implementation. All IMVC students and staff members should understand how to receive and pass on student complaints. The complaint will be handled in a timely manner, taking into account the complexity and seriousness of the issues raised, to ensure that all parties have access to an appropriate resolution and that opportunities for further concerns to arise are minimised. All members of the IMVC community will be supported in trying to resolve complaints at the lowest level possible (where appropriate) to ensure timely and efficient handling and reduce the potential for unnecessary escalation of concerns.

All parties will be afforded natural justice and procedural fairness in the handling of complaints by the IMVC including:

- Ensuring that all parties to a complaint know what to expect during the complaint handling procedure
- Carrying out the complaint handling procedure in a transparent manner
- Providing all parties with equal opportunity to participate in the process
- Treating all parties in a respectful manner and
- Providing reasons for decisions made

The age, culture, disability, language, religion, gender and sexuality of the parties will be considered in actions and decisions related to a complaint. The IMVC will always endeavour to investigate concerns raised with it regardless of the manner in which they are expressed. A student will not be disadvantaged through lodging a complaint in good faith, regardless of the outcome.

The privacy and confidentiality of parties will be respected to the extent practicable and appropriate, with acknowledgment that matters may be subject to the requirements of legal and other authorities. Accurate records will be kept by each staff member dealing with the complaint, including recording of reasons for all significant decisions.

Individuals involved in handling complaints will have the necessary authority and management support to carry out the procedure effectively, and will have (where specific skills are required, such as mediation) access to appropriate training and resources to fulfil their role.

Individuals involved in the handling of a complaint, or investigating or adjudicating on a complaint, must not act in any complaint in which they have a conflict of interest.

The operation of the complaints handling process and findings will be reported to management and the Board to improve the IMVC's service delivery and learning environment. Preventative and corrective action will be taken to eliminate the causes of complaints and to improve the quality of the IMVC's policies and operating environment.

This policy will be implemented in compliance with the requirements of AQTF Essential Conditions and Standards for Continuing Registration Standard, Elements 1.1, 2.2, 2.7, 3.2 and the Skills First 2018-19 Restricted VET Funding Contract (extended to 31 December 2020) Service Agreement. IMVC employs a procedure for informal and formal complaints, and internal and external appeals processing or handling.

All complaints and appeals lodged will be referenced to the **QMS:612 Continuous Improvement Policy**. The following procedure outlines how students will have their complaints and appeals processed.

## Procedure

### Informal procedure – General complaints

- Students are encouraged to approach any member of IMVC RTO team and make an informal complaint about any issue relating to their training
- Where possible staff members may utilise advice, discussions, and general mediation in relation to the issue or complaint. Staff members should try and resolve the issue informally
- Any RTO team member can be involved in this informal process to resolve issues
- Staff should refer students to the Vocational Training Manager if they feel they cannot, or, if they feel it is not appropriate for them to try and resolve the complaint or issue
- Staff may ask the student to come back at an arranged time if further investigation is required
- The outcome of the investigation should be communicated to the student within an agreed timescale
- Students who are not satisfied with the outcome of the informal process should be encouraged to lodge a formal complaint
- All RTO team members should log student complaints and the resolution
- Where the resolution identifies a potential change to a QMS procedure, the changes required should be lodged in the Performance Improvement Register

### Formal procedure - General complaints

- The student will incur no cost to themselves during the complaints and appeals process unless they seek external representation
- Students should lodge formal complaints using the **QMS:600-20 Complaints and Appeals Form** (if required, with assistance from the Vocational Training Manager or another member of the RTO team)
- **QMS:600-20 Complaints and Appeals Forms** are to be submitted to: The Vocational Training Manager or emailed to [trainingmanager@imvc.com.au](mailto:trainingmanager@imvc.com.au)
- If the complaint is against the Vocational Training Manager, the Executive Officer should be approached to manage the complaint
- IMVC will process the complaint or appeal within 10 working days of lodgement
- IMVC seeks to resolve complaints to students' satisfaction by ensuring the student has had the opportunity to present their case and by carefully considering the evidence presented. A fair open-minded approach along with negotiation and mediation is employed to achieve results

- The Vocational Training Manager will investigate the complaint and liaise with appropriate staff if necessary, to ensure all the facts are considered prior to making any decision
- The Vocational Training Manager may delegate the handling of the complaint to an appropriate staff member if appropriate
- The Vocational Training Manager may arrange a meeting with the student during the investigation process if appropriate
- Students' have the right to seek advice from and be represented by external parties at any time during the complaints and appeals process. The cost of this will be borne by the student
- The Vocational Training Manager will notify the student in writing of IMVC's decision within three working days of the decision being made
- Students are also notified of their right to appeal any decision within 20 working days if they are not satisfied with the outcome of the process
- All formal complaints and outcomes are to be recorded in the **QMS:630 Complaints and Appeals Register**
- If a student's complaint is substantiated through this process, the Vocational Training Manager will take immediate corrective action
- All relevant documentation relating to the complaint must be stored in the students file
- If a student is dissatisfied with IMVC's decision regarding the complaint, they have the right to appeal the decision via IMVC's appeals procedure

### **Internal appeals procedure – General appeals**

If students are not satisfied with the IMVC's decisions, they may ask IMVC to reconsider the decision by lodging an appeal. Please note, students must have reasonable grounds for an appeal and must include all supporting evidence together with a completed **QMS:600-20 Complaints and Appeals Form**.

Appeals may be made in relation to the following areas:

- The outcome of a formal complaint
- The outcome of action being brought against the student for breaching the Code of Conduct
- The appeals process will commence within 10 working days of lodgement
- The Vocational Training Manager can assist students with completing the **QMS:600-20 Complaints and Appeals Form** if required
- The Vocational Training Manager is not able to assist students in establishing if they have reasonable grounds for an appeal
- If the appeal is in relation to the Vocational Training Manager and or his/her decisions, another member of staff will lead the process
- Students must lodge an appeal within 20 working days of being notified by IMVC of any decision they wish to appeal
- Students may be accompanied by a representative at any meetings during the appeals process
- On receiving a **QMS:600-20 Complaints and Appeals Form**, IMVC will arrange a time and venue for a meeting to take place and inform the student in writing
- The meeting shall be attended by the student and representative (if requested), the Vocational Training Manager and one other appropriate member of staff

- During the meeting the student will have the opportunity to present their evidence and then IMVC will make a ruling based on all evidence supplied to date
- At the completion of the internal appeals meeting, a written statement of the outcome including reasons and details for the decision, will be discussed with the complainant and signed by the complainant and the Vocational Training Manager
- The outcome will either be in favour of IMVC or the student
- If the outcome is in favour of the student, the Vocational Training Manager will immediately commence corrective action
- The student will be sent written notification of the outcome within three working days of the meeting taking place. This will include the outcome and reasoning behind the decision
- This written notification will also inform the student that they have the right to access IMVC's External Appeal Procedure (if appropriate) and how they go about doing this
- **QMS:630 Complaints and Appeals Register** will be updated
- All evidence will be placed in the students file
- If the student is dissatisfied with the outcome of the internal appeals procedure, they may access the external appeals procedure. Details of how to activate this process are contained in this policy and procedure

### **Internal appeals procedure – Assessments**

- If a student feels they have been unfairly assessed or there are circumstances that impacted their performance they may appeal the assessment decision
- Students should approach their assessor in this case outlining the reasons for their appeal
- If the assessor feels there is reasonable grounds for the appeal he/ she may decide to reassess the client
- The assessor should document this process along with the outcome in the complaints and appeals register. All supporting documentation should also be placed in the students file
- If the assessor decides to refuse the student an opportunity for re-assessment, the student may lodge a formal appeal by submitting a **QMS:600-20 Complaints and Appeals Form**. The student must provide reasons for the appeal along with any supporting evidence
- **QMS:600-20 Complaints and Appeals Forms** are to be submitted to the: Vocational Training Manager, IMVC Level 1/71 Palmerston Crescent, South Melbourne or emailed to [trainingmanager@imvc.com.au](mailto:trainingmanager@imvc.com.au)
- If the appeal is in relation to the Vocational Training Manager another member of staff will lead the process
- If the Vocational Training Manager or other staff member handling the process decides that the students appeal be upheld the following will apply
- The assessment in question will be marked by a different trainer (or from a trainer from another training organisation if appropriate and feasible) and the outcome communicated to the student
- The assessor should document this process along with the outcome in the Complaints and Appeals Register. All supporting documentation should also be placed in the students file
- The student will be awarded the grade that gives them the most favourable outcome between the two outcomes

- If the students appeal is refused they will be sent written notification of the outcome within five working days of the meeting taking place. This will include the outcome and the reasons and details for the decision. The letter will also inform the student of their right to access the external appeals process
- Students can only appeal an assessment decision once
- If students are dissatisfied with the outcome of the internal appeals procedure they may access the external appeals procedure. Details of how to activate this procedure are following
- Students must inform IMVC in writing if they are accessing the external appeals procedure

### **External appeals procedure**

External appeals may only be lodged if a student thinks IMVC has not followed its Students Complaints, Appeals and Resolution Policy and Procedure.

- External appeals may be lodged with Dispute Settlement Centre of Victoria, 4/456 Lonsdale Street Melbourne – 1300 372 888
  - The Dispute Settlement Centre of Victoria will also advise the student that in general, the purpose of the external appeals process is to determine whether IMVC has followed its Internal Student Complaints, Appeals and Resolution Policy and Procedure.
  - The Dispute Settlement Centre of Victoria will not review the evidence or make a decision in place of the one made by IMVC
  - All documentation must be placed in the students file
  - The Dispute Settlement Centre of Victoria will provide a written statement of the outcome including reasons and details for the decision to the complainant and IMVC at the completion of the external appeals process
- If the outcome of the external appeals process results in a decision favouring the student, IMVC will immediately implement any corrective action, decision or measures required as indicated in the written response provided by the external appeals body. The student will be advised as to the course of action taken by IMVC as per Dispute Settlement Centre of Victoria advice
- The student will be contacted within 24 hours of receiving notification from Dispute Settlement Centre of Victoria of the decision
- The student may access and receive the outcome of only one external appeals process

### **Further information**

**QMS:625 Student Complaints, Appeals and Resolution Policy and Procedure** in no way effects the students right to access consumer affairs legislation and legal representation. The student also has the right to contact the VET regulator if they are dissatisfied with the complaints and appeals process and lodge a complaint against IMVC.

#### **Victorian Registration and Qualifications Authority**

Level 4, Casselden

2 Lonsdale Street

Melbourne, VIC3000

Phone: 03 9637 2806

Website: [www.vrqa.vic.gov.au](http://www.vrqa.vic.gov.au)

## Associated documents

- QMS:600-20 Complaints and Appeals Form
- QMS:630 Complaints and Appeals Register
- QMS:612 Continuous Improvement Policy and Procedure
- QMS:701 VCAL Complaints and Appeals Policy and Procedure

## Version control

### Revision history

Date	Version	Author	Change Reference
20/02/2020	3.0	M. Van Looy	Updated to fit with new QMS version control guidelines. Content updated to include both the Policy and Procedure requirements
04/09/2020	4.0	M. Van Looy	Updated to include reference to the EO, Board and VCAL teachers.
27/11/2020	5.0	M. Van Looy	Updated to remove reference to VCAL teachers due to newly developed QMS:701

### Reviewers

Date	Version	Approved By	Next Review Date
20/02/2020	3.0	P. Vakakis	20/02/2022
04/09/2020	4.0	P. Vakakis	04/09/2022
27/11/2020	5.0	P. Vakakis	27/11/2022